

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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U.S. DISTRICT COURT E.D.N.Y.

Courtesy Copy

★ NOV 25 2009 ★

TWO KIDS FROM QUEENS, INC., and
1812 CLOTHING CORP. d/b/a

The original was:

☒ Filed in hard copy.

"Max & Gino's All American Clothing Co.,"

☒ Electronically filed. LONG ISLAND OFFICE

Plaintiffs,

Civil Action No. CV-09-3690
(DRH)(AKT)

v.

ORDER TO SHOW CAUSE

J&S KIDSWEAR, INC., R.B.K. CHILDREN'S
WEAR, INC., and RON KLEIN, individually,
and d/b/a "DENNY'S CHILDRENSWEAR,"
FLOWERS BY ZOE, INC., CANTEEN, INC.,
and SO NIKKI, INC., individually, and d/b/a
"SO NIKKI" and/or "LUCY,"

Defendants.

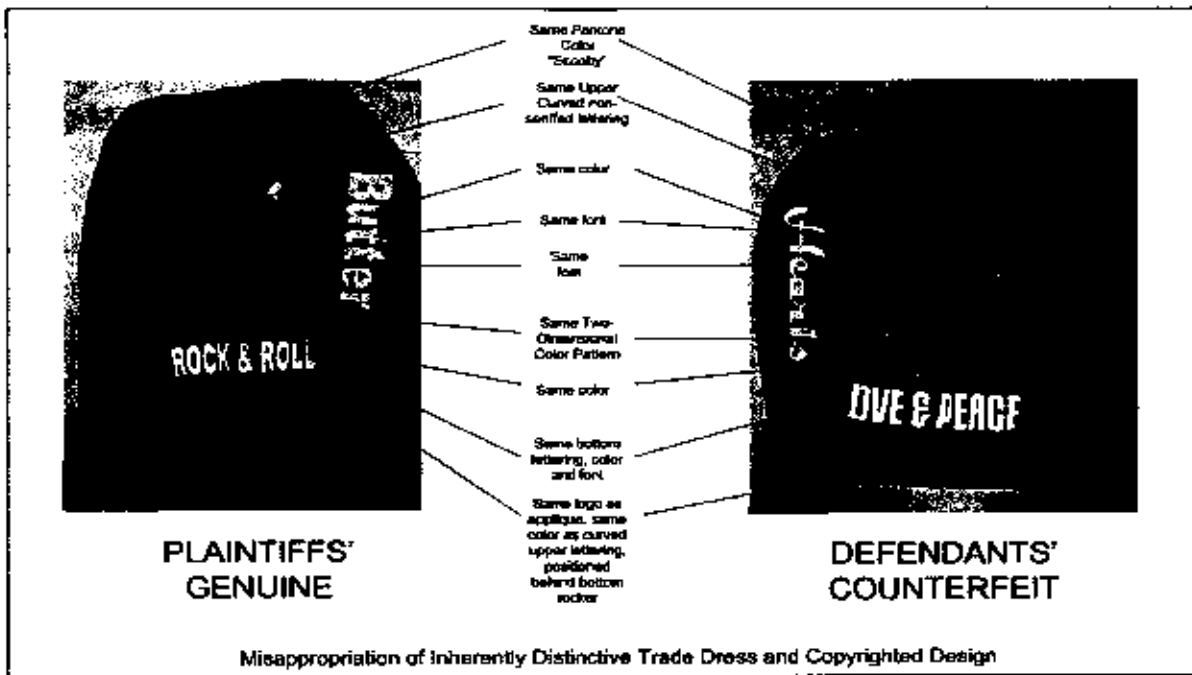
Upon the Declarations of Mitchell Feig, dated October 6, 2009, and Mitchell A. Stein,
Esq., dated November 23, 2009, and the exhibits annexed thereto, plaintiffs' Memorandum of
Law in support of, and all prior papers and proceedings had herein:

IT IS HEREBY ORDERED, that ~~the above-named~~ defendants appear before this Court
in the Courtroom of this Honorable Judge Denis R. Hurley, United States District Judge for the
Eastern District of New York, at the United States Court House, 100 Federal Plaza, Central Islip,
New York, 11722 on December 21, 2009, at 2:00pm or as soon thereafter as counsel
may be heard, then and there to **SHOW CAUSE**, if any there be, why a Preliminary Injunction
pursuant to F.R.C.P. Rule 65(b) should not be entered herein, specifically:

(a) enjoining defendants, each, individually and collectively, their officers, agents,
servants, employees and attorneys, and all persons in active concert or participation with them,
or any of them, from manufacturing and selling any Counterfeit garment, as defined in the
Complaint, bearing confusingly similar indicia, as shown below:

DRH
J & S Kidswear Inc.,
R.B. K. children's wear Inc.
and Ron Klein
(defendants)

DRH



(b) enjoining defendants, jointly and severally, their officers, agents, servants, employees, and attorneys, and all those persons acting or attempting to act in concert or participation with them, from directly or indirectly delivering, distributing, selling, transferring, copying, imitating, advertising, marketing, publishing, or making unauthorized use of plaintiffs' copyrights, or substantially similar variations thereof pursuant to 17 U.S.C. § 502;

(c) enjoining defendants, jointly and severally, their officers, agents, servants, employees, and attorneys, and all those persons acting or attempting to act in concert or participation with them, from directly or indirectly delivering, distributing, selling, transferring, copying, imitating, advertising, marketing, publishing, or making unauthorized use of the plaintiffs' trade dress, or confusingly similar variations thereon, or colorable imitations thereof pursuant to 15 U.S.C. § 1116; and

(d) directing defendants to deliver up to the Court, and directing the U.S. Marshals to seize and impound, and thereupon destroy, all infringing articles, as defined in the Complaint, as provided for in 15 U.S.C. § 1118 and 17 U.S.C. § 503.

(e) for such other, further and different relief as this Court deems just and proper;

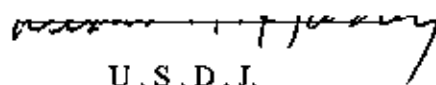
~~AND IT IS FURTHER ORDERED that, pending the hearing and determination of this matter, plaintiffs be given the expedited discovery requested of defendants, and that defendants comply in full therewith, by providing answers to interrogatories and document requests by December 4, 2009, and producing the witnesses listed on December 9 - 11, 2009 pursuant to the requests annexed to the Stein Declaration, with supervision thereof provided by the Magistrate Judge in this action;~~

On the information provided, the court declines to order expedited discovery.
DRH

AND IT IS FURTHER ORDERED that service of a copy of this order, together with the papers upon which it is granted, upon M. William Scherer, Esq., Siller Wilk, LLP, 675 Third Avenue, New York, NY 10017, counsel for defendants J & S Kidswear, Inc., R.B.K. Children's Wear, Inc., Ron Klein, and d/b/a "Denny's Childrenswear," via express mail on or before December 2, 2009 is deemed good and sufficient service.

Dated: Central Islip, New York at o'clock
December 1, 2009

ENTERED:


U. S. D. J.

It is further ordered that defendants shall serve and file opposing papers no later than 3⁰⁰pm on Friday, December 18, 2009; and

It is ^{rather} ordered that the parties need not bring witnesses on December 21, 2009. To the extent testimony is deemed necessary by the court, said testimony shall commence on Tuesday, December 22, 2009.

DRH